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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,552

10/07/2005

Maron Christof

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RATNERPRESTIA

P O BOX 980

VALLEY FORGE, PA 19482-0980

EXAMINER

WILLIAMS, THOMAS J

ART UNIT

PAPER NUMBER

3683

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03/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,552	<b>Applicant(s)</b> CHRISTOF ET AL.	
	<b>Examiner</b> Thomas J. Williams	<b>Art Unit</b> 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 17, 19-21 and 24 is/are rejected.
- 7) ☒ Claim(s) 15, 18, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed December 19, 2007.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 13, 14, 16, 17, 19-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,209,689 to Bohm in view of WO 02/46016 A1 to Ewinger et al.

US 6,738,703 is an English language counterpart to WO 02/46016 A1.

Re-claims 13, 16, 21 and 24, Bohm teaches a method for actuating an electromechanical parking brake device, comprising: an electric motor, a reduction gear (Bohm provides as an example of the electromechanical brake a device having a hollow rotor encompassing a gear unit, see column 1 lines 16-18, this is essentially a reduction gear), a mean value of the torque of the electric motor (represented by  $F_{actF,nominal}$ ) is determined and stored while the actuator

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position is detected. Bohm specifically teaches that the nominal value ( $F_{actF,nominal}$ ) is adjusted as necessary for use at later points in time, see abstract and column 4 lines 47-50, as such a new characteristic curve is stored. The examiner interprets this as an increasing adjustment. However, Bohm fails to specifically teach the nominal value multiplied by a correction factor equal to/greater than one ( $\Rightarrow 1$ ) in order to maintain or increase the exerted tension force.

Ewinger et al. teach a method for actuating an electromechanical parking brake, wherein a torque park value is adjusted as required, for instance during vehicle load change or vehicle inclination. This adjustment involves an increased braking torque, for example by a factor of 10%, see column 4 lines 39-43. It would have been obvious to one of ordinary skill in the art when having utilized the adjustment schemes of Bohm to have specifically included an increasing adjustment factor as taught by Ewinger et al., thus allowing the parking brake to adjust for changes in inclination, temperature or loading.

Re-claim 14, Bohm teaches measuring the current supplied to the motor.

Re-claims 17, 19 and 20, Bohm teaches taking into consideration a temperature or aging (loss of efficiency) of the actuator, see column 5 lines 34-44.

#### ***Allowable Subject Matter***

5. Claims 15, 18, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments filed December 19, 2007 have been fully considered but they are not persuasive. The applicant appears to argue that the mean value  $M_{park}$  is a "mean value"

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representing a group of values. However, the instant specification fails to disclose this, and merely describes the mean value  $M_{\text{park}}$  as a measured value representative of the current supplied to the electric motor. As such the nominal force value taught in Bohm appears to be equivalent to the recited mean value  $M_{\text{park}}$ . In addition the force value of Bohm is interpreted as representing a torque value, since Bohm clearly teaches a typical electromechanical brake structure in the first column, wherein the output rotor of the electric motor radially embraces the gear unit. It is the opinion of the examiner that a motivation to combine was properly provided for, see the above rejection. In particular the correction factor provides for changes in the vehicle condition, as taught by Ewinger et al.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/  
Primary Examiner, Art Unit 3683

February 29, 2008